

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 APPELLATE SIDE
 L.P.A. NO. 153 OF 2007
 ALONGWITH
 CIVIL APPLICATION NO. 37 OF 2007
 IN
 L.P.A.NO. 153 OF 2007
 ALONGWITH
 L.P.A. NO. 156 OF 2007
 AND
 CIVIL APPLICATION NO. 27 OF 2007
 IN
 L.P.A. NO. 156 OF 2007
 THE PRINCIPAL,
 KIT's COLLEGE OF
 ENGINEERING ... APPELLANT.
 VS.
 SHRI YASHWANT RAMCHANDRA
 GAIKWAD AND ORS. ... RESPONDENTS.

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CORAM : J.N.Patel and A.A.Sayed, JJ.
 DATE : July 31, 2007.

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P.C.

1. These two Letter Patent Appeals arised out of the common Order, passed by the Single Judge, admitting the petitions of the appellant against the decision of the College Tribunal but refusing to grant the interim relief.

2. The learned Counsel for the appellant has canvassed before us that the respondents were removed from services after conducting departmental enquiry and the Enquiry Officer came to the conclusion that the respondents were guilty of misconduct on all counts including loss of confidence. In such a fact situation, if no interim relief is granted by this Court, then it will result in rendering the petitions of the appellants infructuous.

3. The learned Counsel in support of his submissions, placed reliance on the decisions of this Court as well as of the Apex Court, on the issue.

4. We find that the respondents having succeeded before the College Tribunal, they were entitled to be reinstated but could not be reinstated as the

appellant challenged the Order of the College Tribunal.

5. The learned Single Judge has admitted the petitions but in the given facts and circumstances, particularly when the Tribunal has observed that there was no material to substantiate the charges, in its discretion, rejected to grant interim relief.

6. We do not find that the discretion exercised by the learned Single Judge calls for any interference.

Therefore, the LPA No. 153 of 2007 and LPA No. 156 of 2007 stand dismissed with no Order as to costs.

7. In view of dismissal of the LPA's, the Civil Applications does not survive and disposed of accordingly.

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[J.N.Patel, J.]

[A.A.Sayed, J.]